

MEETING NOTES
USAAV COUNCIL MEETING
Wednesday, August 14, 2002
Noon - 2:00 p.m.
Room 5112, State Office Building

Present: Bill Afeaki, Randall Bachman, Dan Becker, Louis Callister, Camille Cain, Merrill Carter, Blake Chard, Scott Duncan, Mike Findeis, Pat Fleming, Verne Larsen, Rep. Ty McCartney, Ed McConkie, Dick Melton, Harold Morrill, Mayor JoAnn Seghini, Kirk Torgensen, Anna Kay Waddoups, Sherm Watkins and Ned Searles

Visitors: Bill Greer, Talie Martinez, Rick Meacham

Staff: Marvin Dodge and Diane Ngatuvai

Agenda Item: Welcome and Approval of Minutes

USAAV Chair, Leon PoVey, welcomed all present and introductions were made. *Colonel Merrill Carter made a motion to approve the minutes from the June 19, 2002 meeting which was seconded. The motion was unanimously approved.*

Agenda Item: Vote on Revised USAAV By-laws

After reviewing the revised by-laws there was a call for a motion. *Dan Becker made a motion that the USAAV Council adopt the revised USAAV by-laws as presented. The motion was seconded by Blake Chard and unanimously approved.*

Agenda Item: Forfeiture Revision Work Group Update

Kirk Torgensen explained that the Law Enforcement and Criminal Justice Legislative Interim Committee invited their workgroup to give a presentation regarding forfeiture on Wednesday, September 18th from 10:00 a.m. - noon. Kirk gave an overview of Initiative B and the various ways that it has harmed the state of Utah. The current law has effectively stopped all seizures and harmed law enforcement efforts. None of the money is going to the schools, as was promised. Kirk will stress the fact that they would like to modify the bill to "fix" the problems with Initiative B. Fifty percent of all forfeiture assets will go toward treatment.

Colonel Carter made a motion that the USAAV Council support the concept and effort to modify Initiative B and thank the workgroup in a letter. Pat Fleming seconded the motion which was then unanimously approved.

Merger of Division of Substance Abuse and Mental Health and Potential Impacts

Pat Fleming, Ex. Director of the Utah Division of Substance Abuse, explained that the Governor will recommend to the Senate the merging of the Division of Substance Abuse and the Division of Mental Health at the September 18th Legislative Interim Day. They are anticipating a savings of \$123,000 to the general fund with this merger. Robyn Arnold-Williams has already gleaned a seven member board from this merger.

Lou Callister noted that in a recent Dan Jones poll it showed that 61% of those interviewed felt that substance abuse was a health problem, not a criminal justice problem. He was concerned with the terrible disconnect this highlights between the two intertwined subjects. Further into the poll participants stated that substance abuse consequences were not hard enough. Lou will get the survey to CCJJ staff and it will be mailed out prior to the October meeting.

Agenda Item: Treatment Before Incarceration Proposal

There are a number of people in Utah that feel that treatment should come before incarceration. Harm Reduction Project (HRP) is interested in pursuing an initiative here in Utah. The Substance Abuse Services Subcommittee is going to look into this issue. Currently Arizona and California have enacted laws regarding this. Hawaii has pending Senate Bill 1188, and Florida and Ohio are in the process of putting together a constitutional amendment addressing this issue. The primary intent of the initiative would be to have substance abusers looking at treatment prior to incarceration with the intent of saving it on cost savings. It was noted that Rep. Scott Daniels has a great interest in this and would be a likely sponsor during the 2003 Legislative Session.

Kirk noted that law enforcement will probably come out against this initially; they think that offenders are already being treated lightly. He suggested expanding drug courts, as they are already tried and tested. Ed McConkie informed the council that there is a Utah contingency traveling to Washington, D.C. to the Vera Institute to attend a conference on this issue. Rep. Daniels will be one of those attending from Utah.

Talie Martinez noted that in-house treatment is virtually non-existent. Outpatient treatment is the only option. There are huge waiting lists for this. Dan Becker added that even if the funding issues are overcome, there is still a question of whether treatment will be successful without supervision. Structure is the key. Drug Courts are effective because the individuals are held accountable. Anna Kay Waddoups noted that the insurance issues surrounding this are grave. If the legislators mandate that insurance companies cover this there is a good possibility the companies will threaten to pull out of state.

Harold explained that HRP has come into the state and they will run an initiative whether the Council takes it on or not. This is a very complex issue involving courts, judges, law enforcement, prosecutors, sentencing and treatment. Leon cautioned the Council stating that harm reduction leads to decriminalization, and that can lead to legalization. Be careful within the state with people that will throw up smoke screens saying that it will be the "human" thing.

Marvin added that the Council has a year to craft an initiative around what we want it to look like, otherwise, it may come down to deciding on one that we don't like and will have to fight. The Substance Abuse Services Subcommittee will report back to the Council at each of the meetings.

Agenda Item: DUI Subcommittee - Issues and Direction

Marvin introduced Anna Kay Waddoups, the Chair of the DUI Subcommittee. He distributed a handout showing the issues that the subcommittee will be studying. He noted that CCJJ will have to file a report every year regarding DUI in the state of Utah.

He informed the Council that during the Legislatures' July 8-9 special session all of the \$2.6 million outlined in the FY '03 budget was eliminated to help balance the state's \$170 million revenue shortfall. This budget cut was identified in HB 5009 as being a "one time" reduction so funding hopefully will be restored in the FY '04 budget.

The DUI Subcommittee will meet for the first time on Tuesday, October 1st from 10:00 - 11:30 a.m. in room 225 of the State Capitol Building.

Agenda Item: SICA Report

Verne reported on the progress of the State Incentive Cooperative Agreement. Three million dollars is put into the state each year for three years under this grant. Originally USAAV was going to act as the advisory council to SICA, however, this responsibility has been transferred to the Division of Substance Abuse Advisory Board. The advisory board gives direction to the locals. They are undertaking the task of creating a statewide prevention plan.

Agenda Item: Next USAAV Council Meeting

The next meeting of the USAAV Council will be held on Wednesday, October 9, 2002 from noon - 2:00 p.m. in room 129 of the State Capitol Building. Lunch will be provided.

